

REMARKS

In the outstanding Office Action, claims 26-32 and 34-37 were rejected under 35 U.S.C. §103(a) over NONAKA et al. (U.S. Patent Application Publication No. 2003/0046238) in view of WANG (U.S. Patent Application Publication No. 2002/0191950).

Upon entry of the present amendment, claims 27-32 and 35-37 will have been amended and claims 26 and 34 canceled without prejudice or disclaimer of the subject matter recited therein. New claims 38-39 will have been submitted. The amendments to claims 27-31 and 35-37 and cancellation of claims 26 and 34 should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, Applicants have amended and canceled claims in order to advance prosecution and obtain early allowance of claims in the present application.

New independent claim 38 will have been submitted to more clearly recite particular features of the content playback control method. New independent claim 38 recites the content playback control method including, inter alia, determining whether the usage condition includes information specifying a possibility/impossibility of the special playback in the special section; determining, when the usage condition include the information specifying the possibility/impossibility of the special playback and an instruction to perform the special playback is received, whether the special section includes a point at which the special playback is performed according to the playback control information; and determining, when the special section includes the point at which the special playback is performed, the possibility/impossibility of the special playback for the decoded content.

In summary, the features of new independent claim 38 include: (1) including, in a usage condition, information specifying a possibility/impossibility of a special playback in a special

section, the special section being described in playback control information; and (2) making two determinations, that is, determining whether the usage condition includes the information specifying the possibility/impossibility of the special playback, and, when the usage condition includes the information specifying the possibility/impossibility of the special playback, determining whether the special section includes a point at which the special playback is performed. By these features, a playback based on playback control information is possible in a terminal using a usage condition. Applicants submit that support for the new features recited in new independent claim 38 is at least provided in paragraphs [0054]-[0057] and [0062]-[0063] of the Applicants' published specification and Figs. 9 and 10 of the present application.

The Office Action cites paragraph [0515] of NONAKA as allegedly disclosing the "playback control information" recited in Applicants' claim 26 (see the Office Action page 3, line 9).

However, NONAKA discloses, in paragraph [0515], usage control status (UCS) data 166, which shows a purchase mode (see NONAKA's paragraphs [0182]-[0183]). Thus, Applicants submit that the UCS data 166 resembles playback control information only in a name and totally differs from the "playback control information" as recited in Applicants' claim 38. In particular, the UCS data 166 does not describe "a special section subject to a restriction of a special playback of content," as specifically recited in claim 38.

Further, Applicants submit that none of other components disclosed in NONAKA is equivalent to the "playback control information" as recited in Applicants' claim 38.

Moreover, Applicants submit that although NONAKA has been considered to disclose, by the Examiner, an element (UCP data, defining license agreement conditions) that corresponds to the "usage condition" recited in Applicants' claim 38, NONAKA does not disclose the recited

features of "playback control information." Further, in addition to the lack of disclosure of playback control information, NONAKA also does not disclose the usage condition including the information specifying a possibility/impossibility of a special playback in a special section described in playback control information, as recited in Applicants' new independent claim 38. In other words, NONAKA's UCP data does not include information specifying a possibility/impossibility of a special playback in a special section described in playback control information, as recited in Applicants' new independent claim 38.

WANG discloses, in paragraph [0068]-[0069], a content classification signal, which the Examiner asserts may be considered to correspond to the "playback control information" recited in Applicants' claim 38 (see Office Action page 4, lines 3-4).

However, Applicants submit that WANG fails to disclose components corresponding to the "usage condition" recited in Applicants' claim 38.

Therefore, Applicants submit that although the Examiner has considered WANG discloses one element which is equivalent to the "playback control information" recited in Applicants' claim 38, WANG fails to disclose the features of "usage condition," in particular, the usage condition including information specifying a possibility/impossibility of a special playback in a special section described in playback control information, as recited in Applicants' new independent claim 38.

In this way, while the Examiner has considered NONAKA and WANG separately and independently disclose "usage condition" and "playback control information," respectively, a combination of NONAKA and WANG would not suggest any connection between them.

Further, Applicants submit that even if the teachings of NONAKA and WANG were combined as proposed in the Office Action, the combination still would lack the features of

including, in a usage condition, information specifying a possibility/impossibility of a special playback in a special section described in playback control information, as recited in Applicants' new independent claim 38.

Moreover, Applicants submit that neither NONAKA or WANG disclose the features of making two determinations, that is, determining whether the usage condition includes the information specifying the possibility/impossibility of the special playback, and, when the usage condition includes the information specifying the possibility/impossibility of the special playback, determining whether the special section includes a point at which the special playback is performed, as recited in Applicants' new independent claim 38.

As described above, the rejection of previous claims under U.S.C. §103(a) is improper. Nevertheless, Applicants have submitted the new claims to recite additional features not disclosed by NONAKA or WANG, whether these documents are considered alone or in any proper combination.

For at least the reasons set forth above, independent claim 38 is allowable over the documents applied in the outstanding Office Action. Each of independent claims 31 and 39 is allowable at least for reasons similar to those set forth above with respect to claim 38. Claims 27-30, 32 and 35-37 are each allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Accordingly, reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. §103 is respectfully requested.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. Applicants have amended some claims, canceled some claims and submitted new claims, instead of the canceled claims, to clarify the features of the invention and to emphasize distinctions between the present invention and the disclosures of the references relied upon by the Examiner.

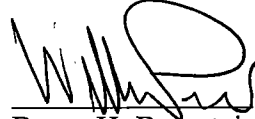
Applicants have discussed the disclosure of each reference cited by the Examiner against the claims of the present application and with respect to such disclosure have noted the significant and substantial deficiencies thereof. Applicants have additionally discussed the explicit recitations of Applicants' claims and with respect to such recitations have noted the shortcomings of the disclosures of the references applied thereagainst. Accordingly, Applicants have provided clear bases for the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

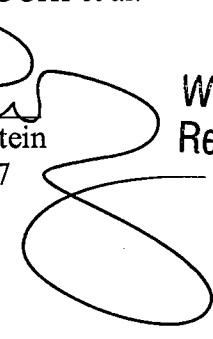
Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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November 3, 2009
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